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NOTICE OF ALLOWANCE AND FEE(S) DUE

86528

7590

08/03/2010

King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin, TX 78701

EXAMINER

NGUYEN, MICHAEL

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/03/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,031	10/24/2005	Josef Laumen	071308.0974	9038

TITLE OF INVENTION: METHOD FOR PROVIDING PAYING SERVICES, USER IDENTIFICATION DEVICE, AND DEVICE FOR PROVIDING SAID SERVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/03/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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86528 7590 08/03/2010
King & Spalding LLP
401 Congress Avenue
Suite 3200
Austin, TX 78701

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,031 10/24/2005

Josef Laumen

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TITLE OF INVENTION: METHOD FOR PROVIDING PAYING SERVICES, USER IDENTIFICATION DEVICE, AND DEVICE FOR PROVIDING SAID SERVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/03/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, MICHAEL	2617	455-558000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			NGUYEN, MICHAEL	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 08/03/2010				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/529,031

Applicant(s)

LAUMEN ET AL.

Examiner

MICHAEL NGUYEN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/11/2010.
2. ☒ The allowed claim(s) is/are 27-42 renumber as claims 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/MICHAEL NGUYEN/
Examiner, Art Unit 2617

/Lewis G. West/
Supervisory Patent Examiner, Art Unit 2617

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12/09/2009 under 37 CFR 1.131 is sufficient to overcome Lehmus, Sagar, Capitant and Sivula references.

Allowable Subject Matter

2. Claims 27-42 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. Lehmus teaches a method for providing pre-paid services over a radio communication network to a telecommunication device comprising a user identification circuit, the method comprising the steps of: communicating a user identification message from the user identification circuit to the telecommunication device, (Fig. 4c, Pg. 10, lines 10-17); transmitting at least one service request message over the radio communication network from the user identification circuit to a service computer, wherein the at least one service request message requests allocation of at least one service (read as SMS or USSD message, Fig. 4c, Block 41 and Pg. 10, lines 29-37, and Pg. 11, lines 1-19); receiving a pre-paid account status message over the radio communication network from the service computer to the user identification circuit in response to each service request message, wherein the user identification circuit evaluates the pre-paid account status message (read as server verifies user's creditworthiness so that prepaid card can be debited, Pg. 10, line 29-Pg. 11, line 13);

5. Sagar teaches communicating the evaluated pre-paid account status message from the user identification circuit to the telecommunication device to allocate use of the requested service when the evaluated pre-paid account status message indicates a specific result (Col. 1, lines 48-67) wherein the determinations of services provided to be utilized in detection of fraud. According to a preferred embodiment, a call data record server is provided in communication with a prepaid calling system such that account refill/credit information is provided to the call data record server. The call data record server is also preferably in communication with systems providing subscriber services, such as a cellular service network, such that data regarding services utilized are provided to the call data record server. Using the refill/credit data and raw subscriber service data preferred embodiments of the present invention may independently determine prepaid services utilized by subscribers. Fraud may be detected from these independent determinations of the preferred embodiment by comparing a determined account balance to a selected threshold value and/or by comparing the determined account balance to that of the prepaid calling system.

6. Nacheff teaches the use of SIM Toolkit standard that store in the smart card where use messaging generate between telephone device and smart card where mobile equipment communicate with SIM smart card and smart card with server wherein the processing and transmitting digital data in a mobile telephone network, particularly using the GSM standard, and more particularly for applications using the so called SIM Toolkit standard stores in a smart card of the so called SIM Type of a unit of mobile equipment. According to the method, so-called master applications are remote to

a remote server with which the mobile equipment communicates. These applications (30M) communicate with the SIM smart card via the circuits of the mobile equipment and first and second types of so-called "reporter" SIM Toolkit applications, respectively called reporter and slave

7. Nguyen teaches service functions in association with a communication between an originating station and a called station. A communication including identification information is received at a first network element from the originating station. A transaction is opened for use in a bi-directional exchange of messages relating to the communication between the first network element and the second network element. The communication is held at the first network element while the identification information is sent from the first network element to the second network element. The second network element determines processing instructions for implementing the service functions. The second network element then sends the processing instructions to the first network element. The transaction is then closed. In response to receiving the processing message, the first network element routes the communication for connection from the originating station to the called station. The first network element then implements the service functions in accordance with the processing instructions. In a first embodiment, the present invention provides a method and system for charging the cost of a communication a prepaid account associated with a prepaid telephone card. In a second embodiment, the present invention provides a method and system for apprising the parties to a communication of the duration of the communication while the communication is in progress.

8. Balazinski teaches a service node for providing a pre-paid service to a mobile station for data transmission in a packet data cellular telecommunication network. A connection is established between the mobile station and the service node in the packet data cellular telecommunication network. Upon establishment of the connection, at least one pre-paid connection limit parameter is obtained from a subscriber account database. The at least one pre-paid connection limit parameter is indicative of a limit at which the connection must be terminated. Then, the service node monitors the connection to determine whether the data transmission exceeds the at least one pre-paid connection limit parameter. If the data transmission exceeds the at least one pre-paid connection limit parameter, the connection is terminated.

9. These references fail to teach or suggest all the limitation as claim, pre-paid services over a radio communication network to a telecommunication device comprising a user identification circuit, the method comprising the steps of:

- a. receiving at the user identification circuit at least one service request generated by the telecommunication device;
- b. for each service request received from the telecommunication device~ communicating a user identification message from the user identification circuit to the telecommunication device~ each user identification message corresponding to each particular service request including a service identifier that identifies that particular service request;
- c. transmitting at least one service request message over the radio communication network from the user identification circuit to a service computer,

wherein the at least one service request message requests allocation of at least one service;

d. receiving a pre-paid account status message over the radio communication network from the service computer to the user identification circuit in response to each service request message, wherein the user identification circuit evaluates the pre-paid account status message; and

e. for each evaluated pre-paid account status message received at the user identification circuit: communicating an the evaluated pre paid account status result message from the user identification circuit to the telecommunication device to allocate use of the corresponding requested service when the evaluated pre-paid account status message indicates a specific result, each account status result message including the service identifier that identifies the particular service request corresponding to that account status result message such that the telecommunication device can match the account status result message with the user identification message that included the same service identifier.

10. Claim 39 is a apparatus of claim 27, therefore it is also allowable for the reason state above.

11. Dependant claims 28-38, and 40-42 are allowed since it is depend on claims 27 and 39.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nguyen whose telephone number is (571) 270-7799. The examiner can normally be reached on Mon-Thurs from 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Lewis West can be reached on (571) 272-7859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MICHAEL NGUYEN/
Examiner, Art Unit 2617

Application/Control Number: 10/529,031

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Art Unit: 2617

/Lewis G. West/

Supervisory Patent Examiner, Art Unit 2617